

## **REMARKS**

Claims 1-20 remain in the application. Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,269,382 to Cabrera (hereinafter “Cabrera”). In view of the following remarks, reconsideration and allowance of claims 1-20 is respectfully requested.

Initially, it may be instructive to review the present application in view of the prior art disclosures. The present invention discloses providing one or more lists of migration candidates such as files for a managed file system. Page 10, lines 18-20. In addition, the present invention teaches pre-specifying a scanning scope such as a portion of the managed file system. Page 10, lines 11-13. “It is an important aspect of the invention that not a whole file system is scanned through but only a part of it determined by the pre-specified amount.” Page 10, lines 14-15. The present invention scans the pre-specified scanning scope of the managed file system, selecting migration candidates according to one or more attributes. Page 10, lines 13-18. Scanning the pre-specified scanning scope limits the present invention’s impact on the managed file system’s resources. Page 7, lines 9-12.

The selected migration candidates are added to the list of migration candidates. Page 10, lines 18-19. At least part of the migration candidates identified in the list are migrated to remote storage such as a hierarchical storage management (“HSM”) server. Page 10, line 25 – Page 11, line 4. The present invention further discloses reconciling the managed file system using the at least one list. Page 11, lines 7-15. Thus the present invention reduces the impact on the

In contrast, Cabrera discloses identifying a first migration candidate on a managed file system that has not satisfied a migration policy for migration to remote storage. Cabrera, column 10, lines 30-54. Cabrera further teaches pre-migrating the first migration candidate by copying attributes of the first migration candidate from local storage to remote storage while retaining a copy of first migration candidate on local storage. Cabrera, column 11, lines 25-46. The first migration candidate is migrated to remote storage when the first migration candidate satisfies the migration policy. Cabrera, column 11, lines 46-58. Cabrera further discloses recording the location of attributes in a file to maintain coherency between migration candidate attributes in local and remote storage. Cabrera, FIG. 7, column 19, lines 24-65.

If the managed file system receives a request to store data, Cabrera discloses either migrating a second migration candidate that contains pre-migrated data and satisfies the migration policy, or if the second migration candidate does not exist, migrating the first migration candidate to the remote storage prior to the first migration candidate satisfying the migration policy to create free space on the local storage. Cabrera, column 12, lines 36-56. Thus Cabrera teaches pre-migration to speed freeing local storage.

**Rejections of claims 1-20 as being anticipated by Cabrera**

Claims 1, 19, and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cabrera. Applicants respectfully traverse this rejection. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. *Lindemenn Maschinenfabrik GmbH vs. American Hoist and Derrick Co.*, 730 F2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984).

The present invention claims “prespecifying a scanning scope;” and “scanning the managed file system until the scanning scope is reached;” Claim 1, page 19, lines 8-9. Pre-specifying the scanning scope limits the present invention’s impact on the managed file system resources. Page 7, lines 9-12. In contrast, Cabrera does not teach “prespecifying a scanning scope;” and “scanning the managed file system until the scanning scope is reached;” Instead Cabrera discloses migrating files from local storage to remote storage. Cabrera, column 9 line 53 to column 10, line 17. In addition, Cabrera teaches identifying a migration candidate using parameters, pre-migrating attributes of the migration candidate to remote storage, and violating a migration policy by migrating the migration candidate before the migration candidate satisfies the migration policy. Cabrera, column 10, lines 45-53, column 10, line 65 – column 11, line 6, column 14, line 5 – column 15, line 25.

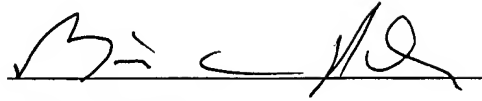
Because Cabrera does not disclose “prespecifying a scanning scope” and “scanning the managed file system until the scanning scope is reached,” Cabrera does not disclose each and every element of the claimed invention. As a result, Applicants respectfully assert that claims 1, 19, and 20 are not anticipated by Cabrera.

reconciling the managed file system.” Claim 15, page 23, line 16. In contrast, Cabrera teaches recording the location of attributes in a file to maintain coherency between attributes of a migration candidate stored in local and/or remote storage. Cabrera, FIG. 7, column 19, lines 24-65. Cabrera does not teach reconciling the managed file system. Because Cabrera does not disclose “a fourth means for reconciling the managed file system...” Cabrera does not disclose each and every element of the claimed invention. Consequently, Applicants respectfully assert that claim 15 is not anticipated by Cabrera.

As a result of the presented remarks, Applicants assert that independent claims 1, 15, 19, 20 are in condition for prompt allowance. Applicants have not specifically traversed the rejections of dependent claims 2-14 and 16-18 under 35 U.S.C. § 102(e), but believe those claims to be allowable for depending from allowable claims. See, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Should additional information be required regarding the traversal of the rejections of the dependent claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian C. Kunzler', is written over a horizontal line.

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